

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIAN LAMONT CLAYBORN,

Plaintiff,
v.
Case Number 19-12971
Honorable David M. Lawson

ROBERT DISTELRATH, ROBERT
SHINSKE, KEMIA CROSSON, TRACEY
BROWN, and the CITY OF DETROIT
FIRE DEPARTMENT

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION TO DENY
PLAINTIFF'S REQUEST FOR IMMEDIATE INJUNCTION**

Presently before the Court is the report issued on October 23, 2019 by Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636(b), recommending that the Court deny the plaintiff's request for an immediate injunction to order the City of Detroit to not retaliate against him for filing this action. Although the report stated that the parties to this action could object to and seek review of the recommendation within fourteen days of service of the report, no objections have been filed thus far. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation (ECF No. 7) is **ADOPTED**.

It is further **ORDERED** that the plaintiff's request for an immediate injunction is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Date: November 13, 2019

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first-class U.S. mail on November 13, 2019.

s/Susan K. Pinkowski
SUSAN K. PINKOWSKI